

Rec # DET013927

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**IN THE US DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VERIFIED CIVIL COMPLAINT

BRIAN J. SHORT
33726 Donnelly St.
Garden City, Mi., 48135
Cell Phone: 734-308-9611

Plaintiff,

V.

MICROSOFT
Attorney Brian Jacobson
Corp. Sec. Cathryn Foreman
One Microsoft Way
Redmond, Wa., 98052-6399
Their Phone: (425) 882-8080
Corp No.: 1800 MICROSOFT
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AOL
Legal Department
770 Broadway
New York, New York, 10003
(212) 652-6400
aollegal@aol.com

Defendants.

TRIAL BY JURY REQUESTED AND REQUIRED

Case:5:09-cv-14408
Judge: O'Meara, John Corbett
MJ: Morgan, Virginia M
Filed: 11-10-2009 At 11:41 AM
CMP SHORT V MICROSOFT, ET AL (EB)

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DETROIT PSB

A. JURISDICTION AND VENUE

Plaintiff moves hereto Pro Se and resides within the geographical jurisdiction of this Court and Defendants including nominally stated parties being Ted Turner and Bill Gates are in different states invoking the diversity jurisdiction of this Court pursuant to 28 USC 1332. This is a federal claim involving violation of constitutionally protected rights express and implied through the provisions therein and such case can be brought through this Federal Issue according to 28 USC 1331. Plaintiff seeks declaratory judgment pursuant to 28 USC 2201 and 2202 in that this case be declared complete upon positive judgment with prejudice in Plaintiff's favor as appellate channels clearly maintain a conflict of interest. Plaintiff invokes the 28 USC 1367 power of this Court to enjoin AOL's open case into this case.

B. SUMMARY OF THE CASE AT ISSUE

A US District Court lawsuit was filed on September 15, 2006, (case no. 8:06-cv-01712) against chiefly AOL, but as well against Honey Baked Ham, The Army, and The US. The assertion and motion presented is that the case remains open as relief motion was filed and accepted. A second motion for disqualification is being filed in the Florida Court in conjunction at the same time with the filing of this complaint to negate that Judge's fatal flaws. The request will be hereto for staying those proceedings or enjoin them as the case is still active and supplemental powers can be invoked. Plaintiff

voluntarily dismisses the US and US Army and Honey Baked Ham and addresses only the two claimants AOL and Microsoft.

Facts alleged in the case stated AOL in 1991 came out with a disk and the first ever window platform on a disk or for any disk for a computer. The rumor at that time was they were going to sell merchandise off the disk. They were never intending to procure a portal to other windows on the disk or to have a link interface or a browser based setting or portal to other computers.

In a letter submitted to AOL by self Senior year of High School Plaintiff raised the idea of coming out with multiple windows and to have a bar link interface on their single cover page. They thought to link to other windows and to link to other computers through the bottommost bar called coincidentally enough "World Wide Web." Stress on the Bar being named after the Internet.

Self-descriptive words in the letter were used to provide date and time and reference back to the letter if ever doubted such things as modems used after mode of communication and router to route data and server to serve and provide the hosting of information. A long history of invention thefts had occurred prior so measures were taken this way to help provide reference and relation back.

The facts were introduced in the US Supreme Court on appeal that Plaintiff had come up with the replica of the letter (**Exhibit A-Letter To AOL**) including my memory of putting in the world wide web bar language. Later in that appeal evidence was submitted that reaffirmed the recollection of the exactness of the letter and its accuracy in content by self's recollection. I produced the Answers.com page and incorporated Wikopedia dictation which stated the first ever Browser was dated back to 1991 and was

called "world wide web". (**Exhibit B-Answers.com page dating first browser and window based portal being before windows which prompted the first windows program for the computer desktop from AOL's Window disk**) This confirming and reaffirming my letter and knowledge of exact content as the 0world wide web bar placement statement in that critical letter to AOL content shown on appeal was months later proven and illustrated to the Court that Answers.com had a declaration of the first browser coming out in 1991 and being called "World Wide Web." This bar was the first ever crude browsing of content through a bar and link interface and thus creating the theory and concept of content and link and browser portals.

On appeal I brought evidence of the Columbia Journal Review that provided a graphic timeline of AOL, (**See Exhibit C-Columbia Journal Review-Chart of Wealth and Plot and money flow of AOL**). It showed never before 1991 AOL appearing on the timeline but in 1992 going on the stock exchange. It showed in 1994 AOL reaching the first million subscribers. It showed AOL through Ted Turner purchasing ICQ, Compuserve, and Netscape and shortly after these corporate giants of the industry were dissipated by AOL in a deceptive scheme to show this expansive coming and going of big technology business. It showed them having the largest corporate merger of any corporation dictated that being with Warner of 180 Billion Dollars, See Exhibit B-Columbia Journal Review.

C. THE ALLURE OF DISILLUSIONMENT CONTINUED

Evidence on appeal and back to the Trial Court on relief motion were submitted to support all these facts hereto. Additionally stated was that if the first browser was in 1991 and the first Internet connection and the first Microsoft platform was in 1991 why then

was everyone believing it was created in the 50's? How and why was there no mention in the media and what was the plan if not to distance themselves from their coercion and deception and to conceal the Internet's beginning so that at that time of creation the clear remembrance and reversion to the letter and memory could be linked. Plaintiff sincerely believes this comes down to at 18 Plaintiff not affixing a formal, written legal contract which could still be implemented. Why the cover up and concealment and in concert acts if not to have a few profit through device and threats and their amassing of wealth through schemes, usurpation, conversion and conspiring?

Who supported these false historical and technological contentions and falsities? Citizens definitely through derision and stress and implied assertions through media of misrepresentation or government and elect chiefly who do such things to enhance themselves politically and financially? Such was the reason then for the assertion of claims against the US for condoning and ratifying these lies. Things like Al Gore saying he invented the Internet, and pressure to enlist in the Army soon after inventing the internet.

The intention was to conclude that the US even possibly tried to scare self and divert self into the Army to shock self's conscience and cause PTSD and frighten self and make self forget and be afraid of disputing such claims. This being the in the year 1992 a year after inventing the Internet having felt pressured by many to enter the Army in my mind to shut me up, cause extreme and outrageous fear and promote acts of aggression and fright and fear of death through Officers standing in positions that made them look like they were holding a gun ready to shot you.

They used demotions leading to jail or retaking Basic for such things as forgetting soap or towel, ten gigs of which one would be up for jail or retaking basic and by the time I could no longer cope I had 15 gigs. The day before leaving the Army self was taken with his unit to a gas house where he was exposed to Sarin/CS/Nerve Gas causing nervous reaction, amnesia and fright since such time of everyone and everything.

Proper timing of facts of creation of internet can be established if no internet connection can be obtained without a browser or portal or link interface. There has to be a computer based portal communication platform such as Windows for the computer where all the icons are portals and links to that lead to other spots and pages where before there was only command words that computed information through a blank screen and C prompt called DOS thus a computer for computing.

If the first Windows, Windows 3.1 was in 1991 which we remember there being only dial up and 5 minute load times to each page and no laptops we can prove acts that were known explicitly planed by some and covered up late in the game like Microsoft the fact that Windows 95 came soon after in 1995 all after being named after their year of release during the time after the first release and right after in 1997 came Windows 97 and Windows 2000 in 2000. Windows 2000 was recently covertly changed to Windows ME then once noticed of the inference the next series came out as XP not after year of release, then covertly changed to Vista and once realized the gig was up Microsoft changed it to the 7th release of Windows the current release being named Windows 7. A very crafted execution to cover up any impropriety of collusion, usurpation and conversion. Windows 3.1 could have come out much sooner than 1991 as there were only 2 to 3 years gaps later between releases.

These facts were presented to the Courts as well as Appellate and back down to Trial Court on motion for relief from all the US Court's orders dismissing the case in the defendant's and adverse parties favor after the case was denied by the US Supreme Court. It was presented to the US Supreme Court by both general appeal certiorari and by extraordinary writ under exceptional circumstances which both were denied.

The claim was made to the trial court Judge on motion for relief that I was never given opportunity to perform discovery, or submit a summary judgement motion dismissing the case in my favor, nor provided any notice of final judgment. I expressed that I wanted to preserve my 7th Amendment right to trial by jury at that time and was denied.

I had been denied the Court's sua sponte submission of my right to default judgment on that case as on other cases I filed for entry of default judgment but with court's now a days being so lenient they have virtually double talked their way out of such negligence by defaulting parties. Still though never appearing or presenting affirmative defenses or answering and responding by affirming or denying every allegation in the complaint all the way to US Supreme Court and back to Trial Court was acquiesced to and admitted as true.

There were vile and clearly arbitrary and capricious Personal Rights violated, Constitutional rights violations, Human Rights Due Process violations to a fair and impartial trial and fair shake and to a day in Court as even the simplest of due process to a Seventh Amendment jury trial and to discovery was not allowed. The Seventh Amendment right to due process of being afforded a jury trial when preserved finds itself

entrenched in THE us Const. 7th Amendment as the judge has always been the finder of law and the jury finder of fact.

D. CLAIMS ENTITLING RELIEF

1. RIGHT TO PROPERTY AND POSSESSION

I had a right to property even if such through mind by way of idea of invention or if such was the case by tangible matter. This is where equity and trade dresses come into fruition as well as contributory negligence or basic negligence standards even moreover fiduciary duties owed.

2. RIGHT TO A TRADE DRESS

The right to a trade dress and as per a dressing and protective shield around the traded good or manner of matter to be allowed a dressing of protection against encumbrances.

3. NEGLIGENCE

When AOL and Microsoft through Ted Turner and Bill Gates usurped my submission of my idea to them and acted in collusion to conceal it and deceitful refused to settle the claims shows the extreme audacity and evil devices to thwart good with any type of reparation or restitution. Last Thursday and Friday I spoke with Microsoft's Legal Counsel Bryan Jacobson on the 5th and 6th and they replied that no offer would be made for settlement and that they would have to be taken to Court.

4. COMPARARATIVE NEGLIGENCE

The doctrine of Comparative Negligence weighs whether there was a claim and to what extent the damage was compared to the injured as opposed to what responsibility the aggressor had against the claimant. With comparative negligence if AOL and Microsoft are found to be 1% liable and 99% not this would still possibly be a severely multi-million dollar case. The fact is they are 100% liable and abused a teenager.

5. GROSS NEGLIGENCE

For taking advantage of a youth, taking his youth from him, ruining his business reputes all the while gaining enterprises and Billions in business worth basic negligence does not suffice where punitive damages would result as these are grossly negligent acts. That at that time until today there has been shown a neglect pattern and practice on the part of the adverse parties. The neglect was in all ways a form of wanton and reckless disregard for any standard of professional or personal care. The parties at all times even to today acted and act with malice and forethought and used excessive torture and standards of care that are unconscionable.

6. FIDUCIARY DUTY

The duty and powers that were entrusted to act according to law and within a manner of professional responsibility caused a damage as AOL and Microsoft usurped Plaintiff's property, conspired to suppress it and used oppression and diversion and scare tactics to flush real life instances for fake within this world.

7. JUST COMPENSATION

A right to a fiduciary duty to just compensation protected by the Fifth Amendment was violated as when property no matter if it be an idea is protected as a vested right and inherent and the interest and claim to such idea resides within such

person until disposed of through agreement. Private property was taken for the public use and utilization, again another claim against AOL and Microsoft. The public now holds the Internet as a free domain given away as there seemingly was no creator that it somehow landed on lap's of intuitive and evolved into a plan.

8. UNJUST ENRICHMENT

Unjust enrichment is a claim that the parties to this claim AOL, Ted Turner, Microsoft and Bill Gates acted with malice and forethought and with extreme prejudice and to enrich themselves to a point AOL has had the largest merger ever since 2000 of any corporation 'ever' with tycoon Warner for 180 Billion Dollars. Clearly there were acts to conceal and shorn the truth.

9. BREACH OF CONTRACT

A breach of an express written arrangement and contract was asserted as at the end I had stated to " 'contact me for further 'contracting' " again never addressed by any of the previous courts. An implied contract and contract of adhesion and to good faith and fair dealings were violated but never addressed.

10. RIGHT TO EQUITABLE RELIEF

No common law or natural universally accepted customary law on equity and reason for remedy was afforded. The fact that AOL and Ted Turner through their companies concealed and suppressed the knowledge of the computer age shows that they knew or should have known what they were doing violated clearly established laws and practices. At all times they acted outside the scope of their duty, powers, and discretion.

11. PECUNIARY INTEREST

There is a pecuniary interest as an entitlement and right to basic relief due to an interest in the outcome and revenues and wealth. Now Plaintiff is seeking the same such but this could have been resolved had Microsoft loosened its hold on its manifested fabrications. Restitution should be provided as a result of AOL and Microsoft and owners converting this invention and idea to their own through scheme, artifice and collusion.

12. VESTED RIGHTS

Inherent and vested rights secured through the provisions of the US Constitution and ordained into natural and human and God given rights if not most all of the Bill of Rights were violated by this conversion and usurpation of property. Plaintiff maintains a vested right and interest to such property, possession, rights and freedoms lost as a result of Defendant's actions and in-actions.

13. PROPRIETARY INTEREST

The propriety interest or rights as the exclusive owner to the idea, property, possession and all appertaining rights were violated by the deceit, disillusionment, global forgetfulness and misconception plotted.

14. CONTRACT OF ADHESION

There was a duty to adhere to the implied contract especially the express assumption of a contract as used by the wording in the letter as well as by the taking and utilizing the idea and invention and using every means and tactics to suppress the idea, invention and immediate veneration of rights. The question as to right to remedy where there is a wrong is unequivocal but lets for instance say it's not who is wronged and who is wrong in bringing this case as late as this was not considering having PTSD and

Amnesia since the Army. Lets rest in that why would laches or estoppel be a question when Defendant's were negligent in all there artifices and suppressions and it's a still ongoing conversion and usurpation and they all knew they were or should be obliged to make restitution and agreement or should have known they were acting with bad faith and unclean hands, that they had a duty to pay restitution for conversion of this idea, property, and possession.

15. BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALINGS

AOL and Microsoft through their owners, jointly and severally caused and injury and are being sued individually and in official capacity for which unfair methods were used and bad faith shown through unfair dealings.

16. UNFAIR TRIAL AND DENIAL OF DUE PROCESS

The Trial Court even maliciously violated Canon rules 1-3 and especially number 3 in that it ruled on its own disqualification motion and in that:

Canon 3, (B) (1) states "A judge shall hear and decide matters assigned to the judge except those in which disqualification is required."

The Judge acted as an extension and arm of the defense and created facts and findings and a final decision in support of their side without any response ever being filed in the whole proceedings all the way up to the US Supreme Court and back down again to the trial court. The judge should have disqualified himself sua sponte as he acted as a lawyer for the defense and violated:

Canon 3 (1) that "A judge shall disqualify himself or herself in a proceeding in which the judges impartiality might be reasonably questioned, including but not limited to where...(d) the judge...(ii) is acting as a lawyer in the proceeding."

The Court never allowed discovery and should have granted default judgment but instead chose to commit a miscarriage of justice and fraud upon the Court and Justice system and violated fundamental due process rights in doing the same and by creating and fabricating numerous findings, an entire defense strategy and supporting facts and conclusions of law not addressed by the other parties and entire claims were admitted as true when not denied according to FRCP 8(D).

FRCP 8(D) holds "Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading."

That means not only the pleading of the complaint was admitted but the defending parties that did not file an objection to the motion for relief or any motions in the case that were filed after the case was denied in the US Supreme Court were admitted and errors on appeal and faulted judgments accepted as in self's favor and defense and as a result of the other parties waiver of defense.

However all the Courts again acted as a lawyer for the defense and came to their defense and stated there were no rights to a remedy, the failure to state a claim bald face assertion. The trial Court on relief motion after going back from the USSC stated no new evidence had been submitted this not being necessary and only error needing be shown, but to deceive was necessary to state such, and nor did the Court find reasons for overruling and considering any decision a harmful and prejudicial mistake of law and fact though all facts to that point were admitted even fault of trial court and appellate facts and court judgments and procedure.

Nor did it state it's own excusable neglect, inadvertence, nor accepting any reasons why the judgment wasn't void or why there wasn't even opposing parties admittance to prejudicial error according to FRCP 60(B) and no right on self's part to legal remedy. The Court only stated in filing a motion for relief that you are only allowed a year to file some claims in such a relief motion. That is only true for some aspects of the defenses not including things such as 1) fraud, 2) prejudicial error, 3) the judgment is void, 4) any other reason justifying relief from the operation of the judgment. It is also only true in that respect in regards to the dismissal judgment and I was basically appealing back not just from the final trial court's judgment but the US Supreme Court's ruling which was well within a year time limitation frame.

The argument was also made that never once with Defendant Honey Baked Ham did the Court provide any reason to dispute why in 2005 before Christmas Honey Baked Ham didn't come out for that Thanksgiving with Honey Glazed Turkeys in stores. I submitted to 3M and provided for the Trial Court the invention submission of Honey Baked and Glazed Turkeys to them that November after Thanksgiving.

I stated why then has there been no advertising since then and why not sell in stores back then and have to wait several years later for them to be out in stores with the idea? Why no television or TV ads? The same reason why the Court never provided a patented inventor or more likely inventor of the Internet because a time and reference point back could be associated at that time. The inventor would have been challenged right then. Instead of naming anyone inventor they awaited the broad scoped spectrum of potential allegations much later in distant future with more passive aggressive tendencies and denials and demurs to cover evidence and cause disbelief and doubt. This being why

the Courts never produced reason why a declaratory judgment allowing for a patent of such couldn't have been allowed or to declare right of property and possession of the idea and invention of the Internet and flavored turkeys.

Every stand for rights and relief has turned a deaf ear. This also being offset by family arrests, military shock, brother's untimely death and having been severely beaten a couple months beforehand and PTSD and amnesia and fright; and since such invention there is only been total anarchy and mayhem in a world where the mind does not shut off and social anxiety and fear of everyone and everything even family is the predominating daily facet and every second derision and dismay. Please help restore order and justice by demanding relief in a monetary or criminal vindicating form.

E. DEFENSE AGAINST ESTOPPEL/LACHES

Never did Plaintiff have a full and fair right to a trial including trial by jury. No party would be prejudiced except self as he had tried asking several parties prior to Army Basic Training and forgot afterwards because of the fright and shock and only recently around 2006 remembered and started piecing his importance in inventing back together. Plaintiff never slumbered on rights to prosecute except that Plaintiff has been adversely prejudiced for having to take this long to remember because of Defendants torture and suppression, artifices, concealment and deception. Plaintiff was not even 18 at the time and knew very little about contracts, agreements and the law.

The Court's as far back as Marbury v. Madison have addressed the right to relief whenever there is a legal wrong. In this case there can be no estoppel or laches defense as it was waived for Ted Turner and AOL and could as well be surrendered by Microsoft on the grounds aforementioned and as well based on reason of fairness, and justice and

equity and reason and that it is in the interests of justice. Marbury reaffirms the unequivocal right to petition:

See Marbury v. Madison 5 US 137 (1803) to wit:

***163 The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court. In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law.**

'In all other cases,' he says, 'it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.'... The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.

E. REQUEST FOR TO RELIEF

That this court exercise its statutory as well as common law and equitable authority and all legal truth to rule on this matter in the Plaintiff's favor and exercise Supplemental Jurisdiction and enjoin case no.: (8:06-cv-01712) or issue a stay or injunction pending the outcome of the fair shake and hearing on this matter. To grant a declaratory that AOL through Ted Turner and Microsoft through Bill Gates issue a lump sum restitution of compensatory and punitive totally 8 Billion and as well a generous interest for their profits. To grant any necessary and further relief this court deems proper. Plaintiff requests this Court grant him an attorney it has taken this much time going three or four times a week since denial and before the first suit was ever filed and no attorney wants to handle it and the very couple that did wanted upfront and no contingency costs.

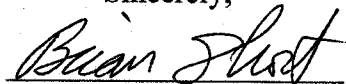
F. DISMISSAL WITH PREJUDICE

Request is hereto made to ultimately settle this claim as the case has never been dismissed with prejudice and this is the last and final please between these parties to dismiss in my favor with prejudice.

G. VERIFICATION

I hereby affirm under penalty of perjury the facts hereto are true, correct and complete and I have not come with bias nor malice or to burden these committees and the claim is factually supported and needless to say not frivolous. I have not come for any alternative motives other than seeking truth, justice and legal recourse. I am competent to testify and over 18 and have first hand account of this information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian J. Short", written over a horizontal line.

Brian J. Short

Dated: 11-10-09

04/13/2007 17:42 10130433117

Appendix A

Dear AOL,

In the bar menu of your merchandise disks you could put a World Wide Web bar. From that you could create a series of "web pages" through telephone lines that would connect to each persons computer through a "modem", a device used to decipher transmission of data. Each web page would connect to a different series of web pages and would be stored on a server or place that stores the web pages through a hub or mainframe. I will get in touch with you or you can get in touch with me for further contracting.

Sincerely,

Brian Short

WorldWideWeb: Information from Answers.com

<http://www.answers.com/topic/worldwide-web>

Appendix B

Answers.com

WorldWideWeb

Wikipedia:WorldWideWeb

This article is about the first web browser. For the distributed hypertext system, see *World Wide Web*.

WorldWideWeb was the world's first web browser and WYSIWYG HTML editor. It was introduced on February 24, 1991 by Tim Berners-Lee and ran on the NeXTSTEP platform. It was later renamed *Nexus* to avoid confusion with the *World Wide Web*.

WorldWideWeb (WWW) was the first program which used not only the common File Transfer Protocol but also the Hypertext Transfer Protocol, invented by Berners-Lee in 1990. At the time it was written, WorldWideWeb was the only way to view the web.

The source code was released into the public domain in 1993, thus making it free software.

History

A *NeXT Computer* was used by Berners-Lee as the world's first web server and also to write the first web browser, WorldWideWeb during the second half of 1990 while working for CERN. The first successful build was completed on Christmas Day, 1990, and successive builds circulated among Berners-Lee's colleagues at CERN before being released to the public (by way of Internet newsgroups) in August 1991. By this time, several others, including Bernd Poßermann, Robert Calliau, Jean-François Groff, and graduate student Nicka Pellow (who wrote the *line-mode browser*), were involved in the project.

Berners-Lee and Groff later adapted many of WorldWideWeb's components into a C programming language version, creating the *libwww API*.

A number of early browsers appeared, notably *ViolaWWW*. They were all replaced by *Mosaic* in terms of popularity, which by 1993, had replaced the WorldWideWeb program. Those involved in its creation had moved on to other tasks, such as defining standards and guidelines for the further development of the World Wide Web—e.g. HTML, various communication protocols, and so on.

On April 30, 1993, the CERN directorate released the source code of WorldWideWeb into the public domain, making it free software. Several versions of the software are still available to download from *evoli.org's* *browser archive*. Berners-Lee initially considered releasing it under the *GNU General Public License*, but eventually opted for public domain to maximise corporate support.^[1]

Technical information

Since WorldWideWeb was developed as and for the NeXTSTEP platform, the program used many of NeXTSTEP's components—WorldWideWeb's *layout engine* was built around NeXTSTEP's *Text class*.

Features

WorldWideWeb was capable of displaying basic style sheets, downloading and opening any file type supported by the NeXT system (which included PostScript, movies, sounds, and so on), browsing newsgroups, and *media viewing*. At first, images were displayed in separate windows, unless NeXTSTEP's *Text class* supported image objects. Editing pages remotely was not yet possible, as the *HTTP PUT method* had not yet been implemented. In fact, editing pages remotely would have been possible (and still is) with the

1 of 1

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Who Owns What: Time Warner Corporate Timeline

Appendix C

Page 2

1995 - AOL launches services in Europe. AOL purchases WebCrawler

1995 - Time Warner acquires Houston Industries

1995 - WB network broadcast network is launched

1996 - Telecommunications Act of 1996. Time Warner acquires Turner Broadcasting System

1997 - Time Warner sells American Lawyer magazine to investment bankers Wasserstein Perella

1997 - AOL acquires CompuServe and ICQ

1998 - AOL acquires Netscape

1999 - AOL acquires Spinner, Winamp, SHOUTcast and DMS

1999 - Turner acquires a National Hockey League expansion franchise. The Atlanta Thrashers begin play in 1999.

2000 - Present

2000 - AOL acquires MapQuest

2000 - Time Warner makes deal with Tribune Company for Times Mirror magazines that include Golf, Ski, Skiing, Field & Stream, and Yachting

2000 - AOL and Time Warner announce their \$163 billion merger. The largest corporate merger in history is finalized in January of 2001. The world's largest media and entertainment company changes name to AOL Time Warner

2001 - AOL Time Warner acquires the United Kingdom's top magazine publisher, IPC Media, from Cuvier for \$1.57 billion.

2002 - AOL Time Warner buys out AT&T's stake in Time Warner Entertainment. AOL Time Warner then created its own cable operation while AT&T merged with Comcast.

<http://www.cjr.org/deprecate/timewarner-timeline.asp>

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Who Owns What: Time Warner Corporate Timeline

Page 5

1988 - TNT cable network launched

1989 - Time Warner Inc. is formed after Time merges with Warner Communications

1989 - Publishing houses Scott Foresman and Little, Brown sold off to Harper Row

1990s

1990 - Entertainment Weekly is launched

1991 - The Internet bulletin-board system Quantum Computer Services changes name to America Online. Steve Case is one of the company's founders

1991 - The Tribune Company receives a 9% stake in AOL after making a \$5 million investment in the company

1992 - Gerald Levin takes control of Time Warner after death of Steven J. Ross. New York's News launched

1992 - America Online becomes a publicly traded company

1992 - Turner Broadcasting launches Cartoon Network

1993 - Turner Broadcasting System merges with Castle Rock and New Line

1994 - AOL reaches 1 million subscribers

1994 - Turner Classic Movies is launched

1994 - Warner/Chappell Music becomes the world's largest music publisher after it acquires CPP/Belwin

1994 - In Style magazine is launched

1994 - Edgar Bronfman Jr.'s Seagram company acquires a 14.5% stake in Time Warner

<http://www.aol.com/deprecated/timewarner-timeline.asp>

9/23/

12/07

ORIGINAL

CIVIL COVER SHEET

County in which action arose Wayne, MI.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Brian Short

DEFENDANTS

AOL
Microsoft(b) County of Residence of First Listed Plaintiff Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant New York County
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Brian Short
33726 Denny St.
Garden City, MI 48135

Case:5:09-cv-14408

Judge: O'Meara, John Corbett

MJ: Morgan, Virginia M

Filed: 11-10-2009 At 11:41 AM

CMP SHORT V MICROSOFT, ET AL (EB)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. C

(For Diversity Cases Only)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

- | | | | | | |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 530 General | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 |
| <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 891 Agricultural Acts | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 893 Environmental Matters | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | | <input type="checkbox"/> 462 Naturalization Application | <input type="checkbox"/> 895 Freedom of Information Act | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 240 Torts to Land | | | <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee | <input type="checkbox"/> 950 Constitutionality of State Statutes | |
| <input type="checkbox"/> 245 Tort Product Liability | | | <input type="checkbox"/> 465 Other Immigration Actions | | |
| <input type="checkbox"/> 290 All Other Real Property | | | | | |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1331, 28 USC 1332, 28 USC 1357, 28 USC 2201, 28 USC 2202

Brief description of cause:

Wrongful & malicious taking & conversion of property.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

8,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Moody

DOCKET NUMBER

8:06 cv 01712

DATE

11-10-09

SIGNATURE OF ATTORNEY OF RECORD

Brian Short

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

If yes, give the following information:

Court: New Parties, New Claims

Case No.: _____

Judge: _____

☐ Yes
☒ No

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☒ Yes
☐ No

If yes, give the following information:

Court: US District Court for Middle Dist. Florida

Case No.: 06-01712

Judge: Moody

Notes :
